UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,518	03/16/2004	Craig M. Janik	5532P023	3980

34018 7590 01/22/2007

GREENBERG TRAURIG, LLP
77 WEST WACKER DRIVE
SUITE 2500
CHICAGO, IL 60601-1732

EXAMINER	
DEAN, RAYMOND S	
ART UNIT	**PAPER NUMBER**
2618	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/802,518	JANIK ET AL.	
	Examiner	Art Unit	
	Raymond S. Dean	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 October 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4,6-10 and 31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4,6-10 and 31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 1 has been considered but are moot in view of the new ground(s) of rejection.

It is well established and well documented in the Bluetooth specification (Please See Bluetooth.com for the specification, also see IEEE Paper by J. Haartsen et al. Entitled "Bluetooth- A New Low-Power Radio Interface Providing Short-Range Connectivity) that the standby mode is a low power mode. During the standby mode a Bluetooth device periodically wakes up to listen to page or inquiry messages. It is true, as Applicants' have correctly pointed out, that a Bluetooth transceiver can be manually activated, however when said device is manually activated it is not in an active or connection mode. The device is in an inquiry mode in which it sends inquiry messages or standby mode, in which the device listens for inquiries. During standby mode the Bluetooth enabled devices will listen for inquiry messages, when the access code in said inquiry messages matches the access code derived from the Bluetooth enabled devices identity said devices will transition to an activation mode and synchronize with the master to form a piconet. Walsh thus teaches the automatic initiation of content synchronization.

The modification of Walsh with the power management circuitry of Lappetelainen renders a versatile power conservation, independent form actual environmental

conditions, such as when there is an environment in which the ISM activity is not known as taught by Lappetelainen.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1 – 2, 4, 6, 8 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh et al. (US 2003/0050058) in view of Lappetelainen et al. (US 7,072,697).

Regarding Claim 1, Walsh teaches a system comprising: a portable device (Figure 1, Section 0042 lines 1 – 5, 0043 lines 2 – 3); and a server computer having an

associated wireless transmitter (Figure 1, Section 0043 lines 10 - 11), wherein the server computer is programmed to cause the wireless transmitter to transmit a signal to initiate an automatic process of content synchronization with the portable device (Section 0042 lines 1 - 5, during standby mode the Bluetooth enabled devices will listen for inquiry messages, when the access code in said inquiry messages matches the access code derived from the Bluetooth enabled devices identity said devices will transition to an activation mode and synchronize with the master (DCDS server) to form a piconet) and wherein the signal is caused to be transmitted by the server computer without regard to the portable device within a range to receive the signal (Figure 1, Section 0042 lines 1 – 5, in Bluetooth systems the inquiry signals are transmitted without regard to the devices being within range to receive said inquiry signals); and wherein the portable device comprises: a wireless transceiver subsystem comprising a wireless transceiver wherein the wireless transceiver subsystem responds to the signal to cause the wireless transceiver subsystem to transition from a standby state to an active state in which the wireless transceiver subsystem uses the wireless transceiver to actively perform content synchronization with the server computer, and wherein the wireless transceiver subsystem consumes less power in the standby state than in the active state (Section 0042 lines 1 - 5, the Bluetooth enabled devices in a Bluetooth system will transition from the standby mode to the activation mode, the standby mode consumes less power than the activation mode).

Walsh does not teach a portable device comprising: a wireless receiver subsystem comprising a wireless receiver and a wireless transceiver subsystem, in

communication with the wireless receiver subsystem, wherein the wireless receiver subsystem responds to the signal when received by the wireless receiver to cause the wireless transceiver subsystem to transition from a standby state to an active state in which the wireless transceiver subsystem uses the wireless transceiver to actively perform content synchronization with the server computer, and wherein the wireless transceiver subsystem consumes less power in the standby state than in the active state.

Lappetelainen teaches a Bluetooth system (Column 2 lines 21 – 25, lines 37 – 42) in which a portable device comprises a wireless receiver subsystem comprising a wireless receiver (Figure 15, Columns 12 lines 33 – 36, 13 lines 45 – 50, in order for the RF energy to be extracted by the sensors said sensors must have receiving capability thus the sensors are the receivers), and a wireless transceiver subsystem, in communication with the wireless receiver subsystem, wherein the wireless receiver subsystem responds to the signal when received by the wireless receiver to cause the wireless transceiver subsystem to transition from a standby state to an active state (Figures 6, 15, Columns 10 lines 1 – 30, lines 45 – 59, 12 lines 33 – 46, lines 58 – 62, 13 lines 45 – 50, power is applied to the Rx/Tx block when energy of another active device, that is in close proximity, is extracted, this causes the portable device to transition from a wake/idle mode to a fully operative power mode for the transmission of advertisement messages) and wherein the wireless transceiver subsystem consumes less power in the standby state than in the active state (Columns 10 lines 1 – 30, lines 45 – 59, the idle mode consumes less power than the fully operative power mode).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the portable device of Walsh with the sensor and power management circuitry of Lappetelainen for the purpose of power conservation as taught by Lappetelainen.

Regarding Claim 2, Walsh in view of Lappetelainen teaches all of the claimed limitations recited in Claim 1. Walsh further teaches wherein the wireless transmitter is physically coupled to the server computer (Figure 1, Section 0043 lines 10 - 11).

Regarding Claim 4, Walsh in view of Lappetelainen teaches all of the claimed limitations recited in Claim 1. Walsh further teaches wherein the server computer causes the wireless transmitter to transmit the signal periodically until the portable device responds to the signal (Section 0042 lines 1 - 5, the master (DCDS server) periodically transmits inquiry messages which comprise access codes, when the access code matches the Bluetooth enabled devices access code said Bluetooth enabled devices will respond with an acknowledgement signal).

Regarding Claim 6, Walsh in view of Lappetelainen teaches all of the claimed limitations recited in Claim 1. Walsh further teaches wherein the wireless receiver includes a radio frequency (RF) receiver (Figure 1, Section 0043 lines 1 - 9, the Bluetooth enabled devices comprise RF transceivers thus there will be a RF receiver to receive signals from the DCDS server) and the wireless transmitter includes a RF transmitter (Figure 1, Section 0043 lines 10 - 11, the Bluetooth transceivers comprise RF transmitters).

Regarding Claim 8, Walsh in view of Lappetelainen teaches all of the claimed

limitations recited in Claim 1. Walsh further teaches wherein the wireless receiver includes a mobile cellular phone network receiver (Section 0043 lines 1 - 9).

Regarding Claim 9, Walsh in view of Lappetelainen teaches all of the claimed limitations recited in Claim 1. Walsh further teaches wherein the wireless transceiver includes a wireless local area (WLAN) transceiver (Section 0042 lines 6 - 7).

Regarding Claim 10, Walsh in view of Lappetelainen teaches all of the claimed limitations recited in Claim 1. Walsh further teaches wherein the server computer includes a personal computer (Figure 1).

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh et al. (US 2003/0050058) in view of Lappetelainen et al. (US 7,072,697) as applied to Claim 1 above, and further in view of Striemer (US 2003/0197607).

Regarding Claim 7, Walsh in view of Lappetelainen et al. (US 7,072,697) teaches all of the claimed limitations recited in Claim 1. Walsh in view of Lappetelainen et al. (US 7,072,697) does not teach wherein the wireless receiver includes a pager network receiver.

Striemer teaches a pager network receiver (Sections 0074).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Bluetooth enabled devices of Walsh in view of Lappetelainen et al. (US 7,072,697) with the pager module of Striemer for the purpose of creating a more flexible Bluetooth device that can receive pages over a paging network as taught by Striemer.

5. Claim 31 is rejected under 35 U.S.C. 103(a) over Walsh et al. (US 2003/0050058) in view of Lappetelainen et al. (US 7,072,697), as applied to Claim 1, and further in view of Karaoguz et al. (US 2004/0029621)

Regarding Claim 31, Walsh in view of Lappetelainen teaches all of the claimed limitations recited in Claim 1. Walsh further teaches a synchronization budget manager (Sections: 0042 lines 1 – 5, 0043 lines 1 – 9, during the active or connection mode in a Bluetooth system there are a plurality of logical transports that can be conducted one of which is a Synchronous Connection Oriented transport, the devices or members of the piconet will therefore be synchronized such that data can be transferred, since said devices are synchronized there will be a synchronization budget manager in each of said devices that enables said devices to synchronize with the other devices in the piconet).

Walsh does not teach a synchronization budget manager which limits time during which the wireless transceiver subsystem of the portable device is in the active state as a function of an amount of power, which is allowed to be expended on content synchronization.

Karaoguz teaches a power controller, which limits time during which the wireless transceiver subsystem of the portable device is in the active state as a function of an amount of power, which is allowed to be expended on content synchronization (Sections: 0014, 0046 lines 14 – 15, 0052 lines 7 – 8, 0055 lines 4 – 13).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the synchronization managers of Walsh with the power

controller of Karaoguz for the purpose of maximizing the battery life of the portable Bluetooth devices before recharging is required as taught by Karaoguz.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond S. Dean whose telephone number is 571-272-7877. The examiner can normally be reached on Monday-Friday 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Raymond S. Dean
January 8, 2007

EDWARD F. [illegible]
SUPERVISORY [illegible]
TECHNOLOGY CENTER [illegible]